

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

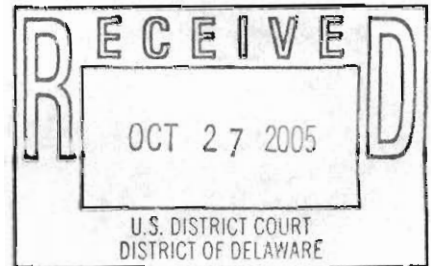
Kermit West
Petitioner

V.

Thomas Carroll
Respondent

C.A. NO. 05-438-JJF

MOTION TO SUBMIT
EVIDENCE



COMES NOW, Petitioner, Kermit West, prose moves this Honorable Court to grant his motion to submit new Evidence to the Court, to support his Claim in this Honorable Court.

In support of this Motion, the Petitioner states the following is true and correct, to the best of his knowledge and belief

Date 10-25-05

Kermit West
Kermit West
1181 Paddock Road
Smyrna De. 19977

NEW EVIDENCE

Del. Title 11 code
Volume 7 2001

- 1- D.T. 11. C. 102 Applicability to Offenses committed prior to July 1, 1973

Section (C)

Provision of this Criminal Code governing the treatment and the release or discharge of prisoners, probationers, and parolees, shall apply to persons under sentence for offenses committed prior to July 1, 1973, except that the minimum or maximum period of their detention or supervision shall in no case be increased, nor shall this criminal code affect the substantive or procedural validity of any judgment of conviction entered prior to July 1, 1973, regardless of the fact that appeal time has not run or that an appeal is pending. 11. D. C. 1953 § 102 58 Del. Laws C. 497:1

- 2- D.T. 11. C. 3901 changed Formerly Senate bill No 331 Feb 2, 1976

Section (D)

When a person is convicted of two or more offenses arising from the same criminal conduct and is sentenced to confinement for two or more separate offenses such sentence shall be consecutive sentence and not concurrent sentence, approve Feb, 2, 76

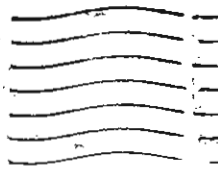
3. D.T. 11.C. 3901, Fix terms of imprisonment.
D.O.C. erroneously recalculated defendants multiple sentences and found that they should be consecutive, the law of the case doctrine did not preclude the Court from recalculating the sentence mandating for offenses committed after Feb 2, 1976
4. D.T. 11.C. 3903, The Prothonotary shall deliver to the Warden of work house or Jail in which the convicted person is to be confined, a duly certified copy of the sentencing order in every Criminal Case,
code 1862, 2930 code 1915, 4812, 40 Del law C 2265,
code 1953 5300, 11 Del C. 1953, 3904

I/M Kermit WestSBI# 034066 UNIT DEF 14

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



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